

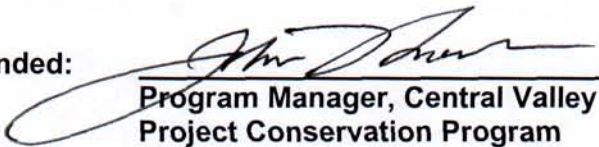
Bureau of Reclamation

Mid-Pacific Region
Sacramento, California

Finding Of No Significant Impact

Dry Creek Ranch Conservation Easement Acquisition

Recommended:  Date: 10/21/09
Natural Resources Specialist

Recommended:  Date: 10-26-09
Program Manager, Central Valley
Project Conservation Program

Approved:  Date: 11/4/09
Chief, Division of Environmental
Affairs

FONSI No. 09-12-MP

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$959,000 from the Central Valley Project Conservation Program (CVPCP) (out of a total project cost of \$8,339,000) to the California Rangeland Trust (CRT) to help purchase a conservation easement on the 5,530-acre Dry Creek Ranch (Ranch).

The Ranch is located about three miles north of the town of Snelling and 19 miles north of the town of Merced along La Grange Road, also known as Highway 59 in Merced County. (See Figure 1.) The latitude is 37°33'57.09"N and the longitude is 120°25'33.18"W.

The purpose of the action is to protect habitat at Dry Creek Ranch for one federally endangered species, the Hartweg's golden sunburst, four federally threatened species including the succulent owl's-clover, vernal pool fairy shrimp, California tiger salamander and potential valley elderberry longhorn beetle habitat, and seven federal species of concern.

Findings

Reclamation prepared an environmental assessment on the proposed grant in October 2009 which is incorporated by reference. The Division of Environmental Affairs of the Mid-Pacific Region of Reclamation has found that the proposed action is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the proposed action. The EA complies with the Council of Environmental Quality's NEPA Regulations and other requirements such as the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and local and State requirements (see below). It meets Reclamation's public involvement requirements.

Following are the reasons why the impacts of the proposed action are not significant:

1. The conservation easement acquisition of the parcel will not change land use.
2. The current landowner(s) will continue to own and manage the Ranch at the landowner's sole expense and will continue to pay real estate taxes thereby contributing to the local economy.
3. The conservation easement acquisition would permanently protect the parcel and thus provide a long-term, perpetual benefit to the target species and habitat, including one federally endangered species, the Hartweg's golden sunburst, four federally threatened species including the succulent owl's-clover, vernal pool fairy shrimp, California tiger salamander and potential valley elderberry longhorn beetle habitat, and seven federal species of concern.
4. On June 29, 2009, Reclamation initiated informal consultation under ESA with the Fish and Wildlife Service (Service) on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2009. The Service concurred on September 28, 2009 that the projects, including this proposed action, are not likely to adversely affect listed species.
5. The proposed action will not affect any historic properties. If CRT initiates a transfer of lands purchased with Reclamation funds to a non-Federal partner, Reclamation will review the

proposed action and determine the appropriate means to comply with Section 106 of the NHPA.

6. The proposed action will not affect any Indian Trust Assets.

7. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities.

8. The proposed action will not contribute to any significant cumulative effects but will protect special-status species and their habitats affected by the Central Valley Project.

9. There is no potential for the effects to be considered highly controversial.

RECLAMATION

Managing Water in the West

Environmental Assessment

Dry Creek Ranch Conservation Easement Acquisition



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region**

October 2009

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$959,000 from the Central Valley Project Conservation Program (CVPCP) (out of a total project cost of \$8,339,000) to the California Rangeland Trust (CRT) to help purchase a conservation easement on the 5,530-acre Dry Creek Ranch (Ranch).

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Purpose and Need for Action

The purpose of the action is to protect habitat at Dry Creek Ranch for one federally endangered species, the Hartweg's golden sunburst, four federally threatened species including the succulent owl's-clover, vernal pool fairy shrimp, California tiger salamander and potential valley elderberry longhorn beetle habitat, and seven federal species of concern.

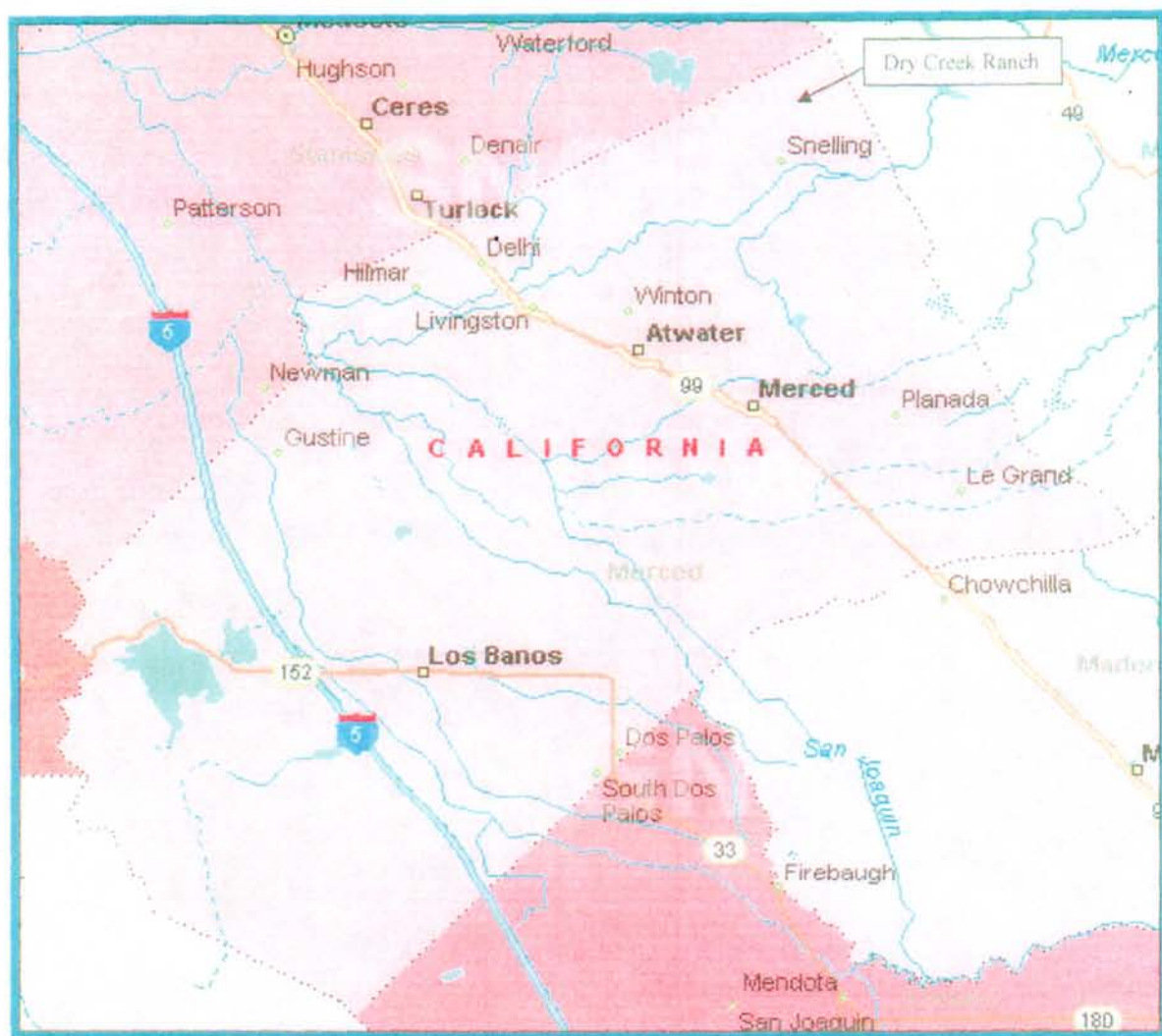
The CVPCP was developed during the Endangered Species Act (ESA) Section 7 consultation process to ensure that the existing operation of the Central Valley Project (CVP), implementation of the Central Valley Project Improvement Act (CVPIA), and renewal of CVP water service contracts would not jeopardize listed or proposed species or adversely affect designated or proposed critical habitat. Accordingly, the CVPCP implements actions that will protect, restore, and enhance special-status species and their habitats affected by the CVP. Acquisition of a conservation easement on the Dry Creek Ranch property is consistent with these CVPCP objectives.

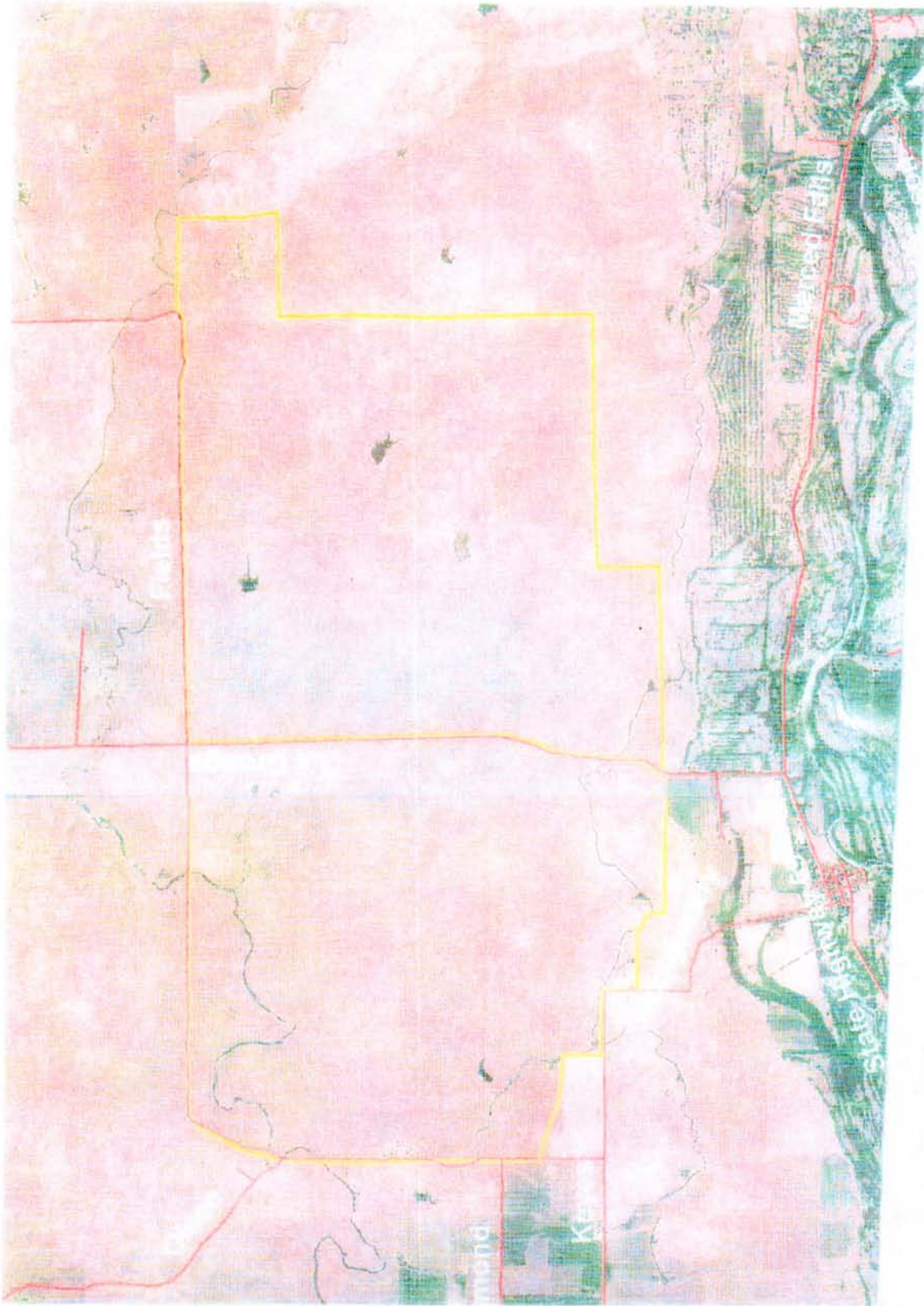
Proposed Action and Alternatives

No Action: Reclamation would not contribute CVPCP funds to help acquire a conservation easement on the Ranch. The CRT would be required to obtain an additional \$959,000 from other private and public sources besides the \$8,339,000 that CRT needs to obtain from other organizations. If alternative funding cannot be secured, the CRT may not be able to acquire the conservation easement on the Ranch.

Proposed Action: Reclamation would provide \$959,000 from the CVPCP to the CRT to help acquire the conservation easement on the Ranch. Other organizations would provide approximately \$8,339,000 to the CRT to help acquire the conservation easement.

Location Map





Dry Creek Ranch
Aerial Map

When establishing a new agricultural easement, the Rangeland Trust works closely with the landowner to address the protection of the property's natural habitat and agricultural resources. The purpose of the easement is to ensure that all resources are conserved and that agricultural and wildlife habitat are conserved in balance and harmony with each other. Once the easement is recorded, the Rangeland Trust assumes a legal responsibility to uphold the terms of the agricultural conservation easement. Each easement shall provide a monitoring program, specifically designed for that easement and agreed to by the landowner and the Rangeland Trust, usually with input from representatives of the applicable funding programs, as appropriate. An endowment fund is put in place when the easement is recorded and the funds support the ongoing stewardship plan.

At the time the Rangeland Trust acquires an easement, the Rangeland Trust will prepare an initial baseline assessment of the existing development and the agricultural and natural resources on the property. This assessment is known as the Baseline Conditions Report. After the easement is recorded, the Rangeland Trust will monitor the property at least once each year to ensure that the easement terms are honored. A written monitoring report will be prepared after each site visit and consultation with the landowner. The report will describe the monitoring visit and notes any significant changes to the resources or any compliance issues, and recommends corrective action if necessary.

From time to time, it may be desirable and even preferable to monitor the easement from the air. By whichever method, photographs shall be included in the annual monitoring report and identified by location, date and applicable resource. Monitoring will be performed by Rangeland Trust staff, directors, or contractors supervised by the Rangeland Trust, who have education or equivalent experience in rangeland agriculture. Board members also play an active role in monitoring the ranches under conservation easement. Biologists and other experts will be added to the monitoring team as appropriate to assess the health of the habitat of any plant or animal species that the easement is designed to conserve, in addition to rangeland conditions.

Affected Environment and Environmental Consequences

The Dry Creek Ranch is owned and operated by Roy and Dana Richards and their son and daughter. Dana's family came from Ireland and homesteaded this area in the late 1800's. The ranch is exclusively used for livestock grazing as is the open rangeland to the north, east, and south of the property. There is extensive agricultural farmland to the west of the Ranch extending into the Central Valley.

Biological Resources

Affected Environment

The vegetation type on the Ranch is approximately 5,275 acres of annual grassland and associated vernal pools, 50 acres of blue oak woodland, and 150 acres of riparian corridor.

In 2002, the eastern 2,718 acres of the Ranch was surveyed for wildlife habitat and listed species sightings by John Vollmar, senior biologist and vernal pool expert. His findings were published in the book *Wildlife and Rare Plant Ecology of Eastern Merced County's Vernal Pool Grasslands*.

The Ranch is located north of the Merced River in an area characterized by dissected and hilly terrain and a high diversity of geologic surfaces. Dry Creek is a medium-sized drainage that traverses east to west across the Ranch. The creek is fed by seasonal rainfall and a small spring located near the County line. As a result, the creek is semi-perennial. There are isolated riparian trees along the banks in some areas.

Most vernal pools at this Ranch are situated on remnant terraces and fans of the Laguna Formation and North Merced Gravels. Intervening areas consist of cut drainages, sloped or rolling terrain, and rock outcrops that tend to support few vernal pools. Many of the pools sampled during the ranchland field surveys consisted of ponded areas located along seasonal or ephemeral drainages.

Onsite occurrences of special-status species were documented on the Ranch during Vollmar's field surveys. Plants species identified include the succulent owl's-clover, Hartweg's golden sunburst, Hoover's calycadenia, dwarf downingia, spiny-sealed button-celery, and stinkbells. Large branchiopod species include vernal pool fairy shrimp, California clam shrimp, and California linderiella. Other species of special concern include the western toad, western pond turtle, and the Merced kangaroo rat. Potential Valley elderberry longhorn beetle habitat was also identified.

Environmental Consequences – Proposed Action

By recording a conservation easement over the Ranch, all the habitat, species and agricultural resources currently on the Ranch will be protected in perpetuity. Special status species are the federally endangered Hartweg's golden sunburst, four federally threatened species including the succulent owl's-clover, vernal pool fairy shrimp, California tiger salamander and potential valley elderberry longhorn beetle habitat, and seven federal species of concern.

The public will benefit from the open space and natural environment of the Ranch. The landowner will continue to own and manage the Ranch at the landowner's sole expense and will continue to pay real estate taxes thereby contributing to the local economy.

Other ranches in the area are under discussion for conservation easements, and the conservation easement on the Ranch will encourage other ranchers to permanently protect habitat, species and agricultural resources through the use of a conservation easement

Environmental Consequences – No Action

If the CRT could not obtain alternate funding to replace the CVPCP funding, CRT may not be able to purchase the conservation easement. The Ranch could possibly be developed into

vineyards, ranchettes, and/or orchards or other uses not compatible with wildlife conservation. This may discourage other ranchers in the area to negotiate conservation easements.

Cultural Resources

A cultural resource is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on, or eligible for inclusion in, the NRHP are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

The approval of the proposed action is the type of activity that has no potential to affect historic properties. There will be no new ground disturbance and no new land will be put into agricultural production as a direct result of expending federal funds. Because the action will result in no potential to affect historic properties, there will be no impacts to cultural resources as a result of the implementation of the Proposed Action.

Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is Chicken Ranch Rancheria approximately 25 miles North of the project location. The Proposed Action would not adversely affect ITAs.

Environmental Justice

Executive Order 12898 requires each Federal Agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations.

Since there would be no change in existing or similar land uses, there would be no adverse human health or environmental effects to minority or low-income populations.

Applicable Laws and Regulations

National Environmental Policy Act of 1970

The National Environmental Policy Act (NEPA) process is intended to help public officials make decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment. Regulations implementing NEPA are set forth by the Council on Environmental Quality (CEQ). Reclamation has followed NEPA and CEQ regulations in the development of the Dry Creek Conservation Easement Acquisition EA.

Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Reclamation initiated informal consultation with the Fish and Wildlife Service (Service) on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2009. The Service concurred that the projects, including this proposed action, are not likely to adversely affect listed species. No further consultation is required under Section 7 of the Endangered Species Act.

National Historic Preservation Act (16 USC 470 et. seq.)

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. Due to the nature of the proposed project, there will be no effect on any historical, archaeological, or cultural resources and no further compliance actions are required.

Consultation and Coordination with Others

The CVPCP Technical Team reviewed and ranked the acquisition proposal during the CVPCP proposal review period. The proposal ranked in the top tier of land acquisition proposals and was selected for funding following this evaluation of the project. A site visit was also conducted as part of this review.

On June 29, 2009, Reclamation initiated informal consultation with the Fish and Wildlife Service (Service) on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2009. The Service concurred on September 28, 2009 that the projects, including this proposed action, are not likely to adversely affect listed species and is attached for reference.

Affected Environment and Environmental Consequences

Cultural Resources

A cultural resource is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on, or eligible for inclusion in, the NRHP are referred to as historic properties.

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Amy J. Barnes
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Sacramento, CA 95825
916-978-5047
abarnes@usbr.gov

From: Rivera, Patricia L
Sent: Thursday, October 08, 2009 12:17 PM
To: Bragg, Carolyn
Subject: RE: EA for Dry Creek Ranch

Carolyn,

I reviewed the proposed action to provide \$710,000 from the Central Valley Project Conservation Program (CVPCP) (out of a total project cost of \$8,339,000) to the California Rangeland Trust (CRT) to help purchase a conservation easement on the 5,530-acre Dry Creek Ranch (Ranch).

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The proposed action does not affect Indian Trust Assets. The nearest ITA is Chicken Ranch Rancheria approximately 25 miles North of the project location.

Patricia